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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,181	02/10/2005	Wanda Susanne Kruijt	NL 020762	2825

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER

ZETTL, MARY E

ART UNIT PAPER NUMBER

2875

DATE MAILED: 04/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/524,181

Applicant(s)

KRUIJT ET AL.

Examiner

Mary Zettl

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/24/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Double Patenting***

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

1. Claim 1, 2, 3, 7, 8, 9, 10, provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims, 7,8,3, and 9, of copending Application No. 10/524179. Although the conflicting claims are not identical, they are not patentably distinct from each other because the essential components are the same, however the word order is different.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, and 7-11 rejected under 35 U.S.C. 103(a) as being unpatentable over Lengyel et al. (US 5,907,222 A) in view of Yamamoto et al. (US 6,089,739 A).

Regarding claims 1, 2, 10, and 11, Lengyel et al. teach a liquid crystal display including a backlight device (Abstract and col. 1, lines 19-20) which comprises a housing (Figure 3B, surrounding cavity item 16) in which at least one tube-like fluorescent lamp (Figure 3B, item 14; Abstract) is present for lighting the liquid crystal matrix from the rear (Figure 4), characterized in that part of the lamp extends outside the housing through a wall of said housing (Figure 3A and 3B). Lengyel et al. do not disclose expressly the housing forming a dust-proof space. Yamamoto et al. teach a backlight device comprising fluorescent tubes (col. 3, line 2) housed in a dust-proof space (col. 3, lines 29-32). Yamamoto et al. further illustrate the glass light-transmitting part of the lamps abutting against the wall in a substantially dust-tight manner (col. 4, lines 24-26). At the time the invention was made, it would have been obvious to one of ordinary skill in the art to have modified the invention of Lengyel et al. such that a dust-proof space was provided as taught by Yamamoto et al. in order to block debris that would have otherwise effected the luminous intensity and uniformity of the backlight device.

Regarding claim 7, Lengyel et al. do not disclose expressly a channel surrounding the housing. Yamamoto et al. teach a backlight device comprising fluorescent tubes (col. 3, line 2) housed in a dust-proof space (col. 3, lines 29-32). Yamamoto et al. further teach the use of a channel (Figure 1, item 9) for concentrating the cooling air flow, which is being applied to the lamps. At the time the invention was made, it would have been obvious to one of ordinary skill in the art to have modified the invention of Lengyel et al. such that a channel as taught by Yamamoto et al. was added to surround the area through which air would be flowing in order to concentrate the cooling air to only the areas surrounding the lamps in order to eliminate wasting power on areas other than those surrounding the lamps.

Regarding claim 8, Lengyel et al. further teach a fan, which is capable of generating an airflow (col. 9, lines 30-31).

Regarding claim 9, Lengyel et al. further teach the housing abutting against a diffuser plate (Figure 1, item 2).

3. Claims 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lengyel et al. (US 5,907,222 A) and Yamamoto et al. (US 6,089,739 A) as applied to claim 1 above, and further in view of Makoto et al. (JP 06273765 A).

Regarding claim 3, Lengyel et al. do not disclose expressly a flexible material abutting against the lamps. Makoto et al. teaches a flexible material (Figure 4, item 16) abutting against the lamps. At the time the invention was made it would have been obvious to one of ordinary skill in the art to have modified the invention of Lengyel et al.

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such that the wall comprised a flexible material as suggested by Makoto et al. that would have supported and positioned the lamp, while at the same time accommodating the effects of thermal expansion.

Regarding claim 4, Makoto et al. further teach the flexible material is a synthetic foam material (paragraphs 22-25).

Regarding claim 5, Makoto et al. further teach the use of a metal plate for supporting the flexible material (Figure 4, item 3A), however do not disclose expressly the use of two metal plates. At the time the invention was made it would have been obvious to one of ordinary skill in the art that if more support was desired than a second metal plate would have been added.

Regarding claim 6, Makoto et al. further teach the recesses in the metal plate being larger than the recess in the flexible material through which the lamp extends (Figure 3A illustrates plate having a gap, whereas Figure 6 illustrates the foam material item 16 approximating the shape of the lamp).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Hirashiro et al. (JP 2001283624 A) teach a backlight body including a fan for blowing air onto the end of the light source or the portion of the light source that gets hot (Abstract).


- b. Farchmin et al. (US 5,567,042 A) teach the a backlight unit including lamps that extend through the lamp housing (Figure 2) and further teach the use of gaps between components in order to facilitate cooling.
 - c. Hinobori et al. (JP 2001-399592) teach a backlight unit including a heat dissipation component (page 15, item 32) surrounding the electrodes of the lamps.
 - d. Bowman et al. (US 5,584,566 A) teach a flexible material for supporting and positioning the lamps (Abstract).
 - e. Matsui (US 2002/0039292 A1) teaches a backlight module (Abstract) comprising lamps (Figure 1, item 4) being positioned by a reinforced metal plate (Figure 1, item 54) and a foam sheet (paragraph 39).
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Zettl whose telephone number is (571) 272-6007. The examiner can normally be reached on M-F 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Renee Luebke can be reached on (571) 272-2009. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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MZ


RENEE LUEBKE
PRIMARY EXAMINER